

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES' SECOND STATUS REPORT

The United States of America provides the following status report as an update to the first status report, and to request a briefing schedule and a hearing date.

Initially, the following is an update to the status report previously filed with the Court concerning the return of assets to Mr. Shakur. On July 19, 2013, a payment was made by electronic funds transfer to a bank account designated by Mr. Shakur in the amount of \$26,445.00. This payment represented the return in full of two assets: \$18,445 in United States currency seized on June 25, 2009; and \$8,000 in United States currency seized on July 13, 2009. No debts had been registered with the Treasury Department in Shakur's name and therefore no offsets were taken against the funds returned to him.

On August 15, 2013, a payment was made by electronic funds transfer to a bank account designated by Mr. Shakur in the amount of \$7,788.28. This payment represented the return in full of \$7,788.28 in United States currency seized from account number 1155193, in the name of RS Design, LLC, at Community America Credit Union, in Lenexa, Kansas. Mr. Shakur requested by letter to the U.S. Attorney's Office that this payment be directed to a different bank

and account than the bank and account that had received the July 19, 2013, payment. Upon receipt of this request, the U.S. Attorney's Office immediately re-routed the payment to the account designated by Mr. Shakur. However, doing so engendered some delay because the process for requesting and making an EFT payment had to be halted and reinitiated.

At this point, all assets in this case have either been returned to persons or accounts designated by Mr. Shakur (vehicles and some cash assets); forfeited in a separate federal proceeding (certain parcels of real property) or an Arizona state forfeiture action (one cash asset); or not forfeited (certain parcels of real property).

On July 31, 2013, a special panel of the Eighth Circuit Court of Appeals ordered that the return of property motion filed by Mr. Shakur be returned to the District Court in order to make an evidentiary record (Doc. 889.) However, the Eighth Circuit has not yet issued the mandate in that matter, and the District Court has therefore not recovered jurisdiction (Doc. 889.)¹

In anticipation of the issuance of the mandate, the United States would request that the District Court set a date for an evidentiary hearing. The United States will request that Mr. Shakur be transported to Kansas City for that hearing; however, the U.S. Marshal's Service advises that it will take six to seven weeks after receipt of the request for a federal prisoner to be brought into the jurisdiction. The United States will need a firm hearing date in order to request that Mr. Shakur be brought to Kansas City. In addition, one of the government's witnesses for the hearing, AUSA Charles Ambrose, is scheduled to start a four-week trial on November 4, 2013. Consequently, the United States requests that the hearing date be set either on a date between October 23, 2013, and November 2, 2013, or in December 2013.

¹ Shakur has filed numerous motions after taking his appeal, including a new filing at Doc. 890. However, as the United States pointed out in Doc. 886, the appeal divested the district court of jurisdiction over these filings and they are of no effect.

The United States would also request that the Court set a post-hearing briefing schedule to allow the parties to address the legal issues in the case, and in particular the issues raised by the Eighth Circuit Court of Appeals.

Respectfully submitted,

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By

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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2013, the foregoing motion was electronically filed with the Clerk of the Court using the CM/ECF system for electronic delivery to all counsel of record and was mailed on July 12, 2013, to:

Rasheed Shakur
#21576-045
P.O. Box 33
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/s/ James Curt Bohling
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